

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DONNA RUSSELL, ZAFIR COPPINSON,      :
in behalf of themselves and in behalf :
of their child, BARAKKAAT COPPINSON  :
                                     :
                                Plaintiffs, :
                                     :
                                -against-   :   04 CV 00099 (KTD)
                                     :
THE CITY OF NEW YORK, MICHAEL R.      :
BLOOMBERG, Mayor of the City of      :
New York; ADMINISTRATION FOR CHILDREN'S :
SERVICES, WILLIAM C. BELL, individually :
and as child protective specialist of   :
the Administration for Children's      :
Services, THE SALVATION ARMY and      :
JEANETTE RODRIGUEZ, individually and as :
Supervisor for the Salvation Army, and :
GLADYS ORTIZ, foster parent.          :
                                     :
                                     :   MEMORANDUM & ORDER
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                                Defendants. :
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KEVIN THOMAS DUFFY, U.S.D.J.:

Due to the inactivity of any party in this case since 2005, despite repeated attempts by this Court to ascertain the status of this case, this Court *sua sponte* orders that this case be DISMISSED for failure to prosecute under Federal Rule of Civil Procedure 41(b). See *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) ("[I]t is unquestioned that Rule

41(b) also gives the district court authority to dismiss a plaintiff's case sua sponte for failure to prosecute.").

SO ORDERED.

Dated: New York, N.Y.
September 21, 2011



KEVIN THOMAS DUFFY, U.S.D.J.

